UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,532	12/28/2000	Stephen S. Ing	PM 027 1632 P9889	6957

7590 05/18/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2194	

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DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 - 5, 7 - 15, 17 - 22, and 24 - 28</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 - 5, 7 - 15, 17 - 22, and 24 - 28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 5, 7 – 15, 17 – 22, and 24 – 28 are pending for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 - 4, 8 - 14, 17 - 21, and 24 - 28 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Reisman, US patent no. 6,594,692 in view of Stwartz,

US patent no. 6,445,694.

4.   Reisman and Stwart references were cited on the last office action.

5.   **As to claim 1,** Reisman teaches a plugable call control application program

interface, comprising the steps of:

        a base plugable call control application program interface (API 40 or 42, col. 34

lines 10 – 28 and col. 34 lines 1 - 5) to expose a common set of function calls,

properties, and callbacks (online service, direct dial-up communication, col. 34 lines 10

– 28, col. 35 lines 55 - col. 36 line 10) to be utilized by a plurality of call control protocols (protocols plug-in, col. 34 lines 10 – 28 and col. 28 lines 15 - 65) ; and

an extended application program interface (generic API, col. 28 lines 15 - 65) to provide at least one of advanced function calls, properties,.and callbacks beyond the common set (col. 34 lines 10 – 28, col. 35 lines 55 - col. 36 line 10).

Reisman does not teach the step of the call control protocols are Internet Protocol (IP) telephony call control protocols.

Stwartz teaches the call control protocols are Internet Protocol (IP) telephony call control protocols (IP telephony protocols, col. 11 lines 30 - 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reisman and Stwartz's system because Stwartz's IP telephony would provide protocols suitable for telephony service system to send voice and data between computers in real time.

6.   **As to claim 2,** Reisman teaches the step of:

a platform isolation layer (protocol plug-in, col. 28 lines 10 – 65 and col. 34 lines 10 - 28) having a reduced set of basic system functionality to interact with the base plugable call control application program interface and the extended application program interface; and

a software application (Internet Applications, col. 36 lines 24 - 65) executing on a communications system that accesses the base plugable call control application

program interface to initiate a communication utilizing one of the plurality of call control

protocols.

7.   **As to claim 3,** Reisman teaches the step of wherein the communications system

is a computer system (computer, col. 36 lines 24 - 65).

8.   **As to claim 4,** Reisman teaches the step of wherein the communications system

is an embedded system (embeddable, col. 31 lines 55 - col. 32 line 10).

9.   **As to claim 8,** Reisman teaches the step of wherein the at least one of

advanced function calls, properties, and callbacks provide additional protocol-specific

functionality to at least one of the plurality of call control protocols (Recursive Updating

of the Transporter, col. 29).

10.   **As to claim 9,** Reisman teaches the step of wherein the at least one advanced

function calls, properties, and callbacks beyond the common set

is accessed using the base plugable call control application program interface (API 86

and protocol 88 are extended to support extended, open-ended interactive

sessions....online chat, col. 28 lines 24 - 65).

11.   **As to claim 10,** Reisman teaches the step of wherein the extended application program interface provides protocol specific information along with base defined callbacks (online chat, col. 34 lines 10 - 30).

12.   **As to claim 11,** Reisman teaches a method of performing call control on a communications system, the method comprising the steps of:

providing a common set of function calls, properties, and callbacks to be utilized by a plurality of call control protocols (protocol plug-in 88, col. 28 lines 12 - 20) ;

providing at least one of advanced function calls, properties, and callbacks beyond the common set (online service with four levels, col. 31 lines 55 col. 32); and

accessing the common set of function calls, properties, and callbacks to initiate a communication utilizing one of the plurality of call control protocols (protocol plug-ins works with API to provide online service 80, col. 28 lines 58 - 65).

Reisman does not teach the call control protocols are Internet Protocol (IP) telephony call control protocols.

Stwartz teaches the call control protocols are Internet Protocol (IP) telephony call control protocols (IP telephony protocols, col. 11 lines 30 - 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reisman and Stwartz's system because Stwartz's IP telephony would provide protocols suitable for telephony service system to send voice and data between computers in real time.

13.   **As to claim 12,** Reisman teaches the steps of providing a reduced set of basic

system functionality (communication manager, col. 28 lines 15 - 25) to interact with the

common set of function calls, properties, and callbacks; and executing a software

application on a communications system to access the common set of function calls,

properties, and callbacks to initiate the communication utilizing one of the plurality of call

control protocols.

14.   **As to claim 13 - 14,** see claim 3 - 5 above.

15.   **As to claim 17 - 19,** see claim 8 - 10 above.

16.   **As to claim 20,** this is the system claim of claim 11. See claim 11 above for

rejection.

17.   **As to claim 21,** see claim 12 above.

18.   **As to claim 24,** see claim 17 above.

19.   **As to claim 25 - 26,** see claim 13 - 14 above.

20.   **As to claim 27,** see claim 18 above.

21.   **As to claim 28**, see claim 10 above.

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

23.   **Claims 5, 15, and 22 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Reisman, US patent no. 6,594,692 in view of Stwartz, US patent

no. 6,445,694, and further in view of Goldszmidt, US patent no. 6,195,680.

24.   Goldszmidt reference was cited on the last office action.

25.   **As to claims 5, 15, and 22,** Reisman and Stwart do not teach the plurality of call

control protocols include at least one of an International Telecommunication Union (ITU)

H.323 protocol, a Session Initiation Protocol (SIP), and a Media Gateway Control

Protocol (MGCP).

Goldszmidt teaches the step of wherein the plurality of call control protocols

include at least one of an International Telecommunication Union (ITU) H.323 protocol

(ITU, col. 1lines 50 col. 2 lines 10, and col. 13 lines 45 – 50).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reisman, Stwartz, and Goldszmidt's

system because Goldszmidt's ITU would provides a standard telecommunication

protocol for telephony system.

26.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Reisman, US patent no. 6,594,692 in view of Stwartz, US patent no. 6,445,694, and

further in view of Bergler, US patent no. 5,572,675.

27.   Bergler reference was cited on the last office action.

28.   As to claim 7, Reisman and Stwartz do not explicitly teach the step of the

plugable call control application program interface is an American National Standards

Institute (ANSI) "C" application program interface.

Bergler teaches the API written in C language (API functions are described in C

language function calls, col. 4 lines 25 – 30).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reisman, Stwartz, and Bergler's system

because Bergler's C language is a reliable language to run real time application.

Response to Arguments

29.   Applicant's arguments filed on 12/20/04 have been fully considered but they are

not persuasive.

30.   Applicant argued in substance that

(1) the extended API does not include the advanced function calls, properties,

and callbacks beyond the common set.

31.   Examiner's response

As to point 1, Reisman teaches the step of an extended application program

interface (generic API, col. 28 lines 15 – 65, col. 34 lines 10 – 28, col. 35 lines 55 - col.

36 line 10) to provide at least one of advanced function calls, properties, and callbacks

beyond the common set (support extended, open-ended interactive session , online

chat, ...database search).

Conclusion

32.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuong N. Hoang whose telephone number is

(571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to

5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER
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Ph
April 12, 2005